THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.22403 of 2007

Between:

Mohd.Ibrahim.

.. PETITIONER

and

The District Collector and others.

.. RESPONDENTS

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ORDER:

It is the case of the petitioner that he purchased the land admeasuring Ac.8-00 gts. in Sy.No.72/1 (old Sy.No.72/2) situated at Battisavargaon Village, Adilabad Mandal and District, through a registered Sale Deed in the year 1973 from the original assignee one Sri Kummari Istari, S/o.Narsimhulu and he has been in continuous possession and enjoyment of the said land. While so, the 3rd respondent passed order, dated 20-09-2007, in proceedings No.C/5804/97, under the provisions of Section 4 (1) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act"), resuming the land in question into Government custody on the ground that originally the said land was assigned in favour of one Sri Kummari Istari and he alienated the said land in favour of the petitioner in violation of provisions of sub-Section (2) of Section 3 of the Act. Aggrieved by the said order, the petitioner filed an appeal before the 2nd respondent and the 2nd respondent though his order, dated 10-10-2007, in proceedings No.A/1806/2006 dismissed the appeal. As against the said order, the petitioner filed further appeal along with stay application on 16-10-2007 before the 1st respondent under Section 4-A (2) of the Act.

I have taken a view that against the order passed by the Mandal Revenue Officer under Section 4(1) of the Act, an applies lies to the Revenue Divisional Officer under Section 4-A (1) of the Act. Against the order passed by the Revenue Divisional Officer under Section 4-A (1) of the Act, a revision lies to the Collector under Section 4-A (2) of the Act. Against the order passed by the Collector under Section 4-A (2) of the Act, a revision lies to the Government under Section 4-B of the Act.

Admittedly, in the instant case, the petitioner filed an appeal before the Collector under Section 4-A (2) of the Act. As the appeal is not maintainable and that only revision lies to the Collector against the order of the Revenue Divisional Officer, I am of the opinion that it is just and proper to direct the 1st respondent to treat the appeal filed by the petitioner on 16-10-2007 against the order of the 2nd respondent, dated 10-10-2007, as a revision and consider and dispose of the same as expeditiously as possible without

any undue delay.

Accordingly, the writ petition is disposed of directing the 1st respondent to treat the appeal filed by the petitioner on 16-10-2007 against the order of the 2nd respondent, dated 10-10-2007, as a revision and consider and dispose of the same as expeditiously as possible without any undue delay. Pending disposal of the revision, status-quo obtaining as on today shall be maintained. There shall be no order as to costs.

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25-10-2007

Prv